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*Attorneys for GitHub, Inc. and Microsoft Corporation*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

J. DOE 1, et al.,  
  
Individual and  
Representative Plaintiffs,  
  
v.  
  
GITHUB, INC., et al.,  
  
Defendants.

Case No. 4:22-cv-06823-JST

Consolidated with Case No. 4:22-cv-07074-JST

**DECLARATION OF ANNETTE L.  
HURST IN SUPPORT OF ENTRY OF  
[PROPOSED] AMENDED STIPULATED  
PROTECTIVE ORDER**

AND CONSOLIDATED ACTION

1 I, Annette L. Hurst, hereby declare:

2 1. I am an attorney at the law firm of Orrick, Herrington & Sutcliffe LLP, counsel of  
3 record for Defendants GitHub, Inc. and Microsoft Corporation in this action. I am a member of  
4 the California State Bar and am admitted to practice before this Court. I have personal  
5 knowledge of the facts stated in this declaration unless otherwise stated, and if called to testify to  
6 those facts, I could and would competently do so.

7 2. The [Proposed] Amended Stipulated Protective Order the Parties propose is  
8 identical to the Stipulated Protective Order entered by this Court in this matter (Dkt. 63), with the  
9 exception of the edits set forth below and shown in redline in Exhibit 1 hereto, which the Parties  
10 made pursuant to the Court's guidance in its July 26, 2023 discovery order (Dkt. 138).

11 3. The definition of "CONFIDENTIAL" information in Paragraph 2.2 is amended to  
12 included "Names Information as defined herein."

13 4. New Paragraph 2.11 adds "Names Information" as a defined term with the  
14 definition, "each of Plaintiffs' names, as well as source code or any other document or materials  
15 that could be used to reveal Plaintiffs' names."

16 5. Paragraph 7.2(b) is amended to add, "and whose Acknowledgements shall be  
17 maintained by counsel for Defendants in the event of a proceeding contemplated by paragraph  
18 12(b) hereof."

19 6. New Paragraph 12(b) states, "In the event the identity(ies) of one or more  
20 Plaintiff(s) becomes public in a manner that Plaintiffs' counsel believes violates this Order,  
21 Plaintiffs' counsel may move the Court for an order, upon good cause shown, requiring  
22 Defendants to produce a list of all persons to whom Names Information has been disclosed  
23 pursuant to paragraph 7.2(b). The public revelation of Plaintiff(s) name(s) after July 26, 2023  
24 shall constitute prima facie evidence of good cause."

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct. Executed on this 2nd day of August, 2023 in San Francisco, California.

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5 By: /s/ Annette L. Hurst  
6 ANNETTE L. HURST  
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